

PROB 12C  
(7/93)

Report Date: July 29, 2011  
FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**United States District Court**

for the

**JUL 29 2011**

**Eastern District of Washington**

**JAMES R. LARSEN, CLERK  
DEPUTY  
RICHLAND, WASHINGTON**

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Justin Robert Gallagher

Case Number: 2:09CR00035-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 1/17/2008

Original Offense: Failure to Pay Legal Child Support, 18 U.S.C. § 228(a)(3)

Original Sentence: Probation - 60 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Aine Ahmed

Date Supervision Commenced: 1/19/2011

Defense Attorney: Roger Peven

Date Supervision Expires: 1/18/2012

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**PETITIONING THE COURT**

**To issue a warrant.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number      Nature of Noncompliance

1

**Standard Condition # 2:** The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first 5 days of each month.

**Supporting Evidence:** Justin Gallagher is considered in violation of his period of supervised release in the Eastern District of Washington by failing to report as directed on or before June 9, 2011, and absconding from supervision on or prior to July 7, 2011.

The defendant failed to report to the probation office in Richland on June 7, 2011. Telephone contact was made with the defendant on June 8, 2011, and he was directed to report on June 9, 2011. Once again the defendant failed to report. After several weeks of leaving voice mails and sending letters to the defendant's last known address, contact was once again made with the defendant by phone. The defendant was directed to call the probation office every Monday as he was in Moses Lake and transient. The defendant has failed to call the office as directed. Contact was made with the owner of the home which the defendant was last residing, and it was stated they have not had contact with the defendant. Letters and E-mails have been left for the defendant at his E-mail address with no response. Currently the defendant's whereabouts are unknown.

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- 2      **Special Condition # 21:** Defendant shall abstain from the use illegal controlled substances, and shall submit to testing as directed by the supervising probation officer, in order to confirm defendant's continued abstinence from these substances.

**Supporting Evidence:** Justin Gallagher is considered in violation of his period of supervised release in the Eastern District of Washington by failing to report for drug testing on June 9, 2011, and June 28, 2011.

On February 18, 2011, the defendant was directed to report for urinalysis testing at a rate of two times per month. The defendant failed to report as directed for the month of June.

- 3      **Special Condition # 20 :** Defendant shall undergo a substance abuse evaluation as directed by the supervising probation officer, and if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. Defendant shall allow full reciprocal disclosure between the probation officer and treatment provider. Defendant shall contribute to the cost of the treatment according to defendant's ability as determined by the supervising probation officer.

**Supporting Evidence:** Justin Gallagher is considered in violation of his period of supervised release in the Eastern District of Washington by failing to report for substance abuse treatment on June 6, 13, 20, and 27, 2011.

On February 18, 2011, the defendant began his outpatient treatment with First Step Counseling Services. The defendant was to attend treatment every Monday. The defendant failed to report for all treatment sessions for the month of June.

- 4      **Standard Condition :** The defendant shall pay restitution as ordered by the Court.

**Supporting Evidence:** Justin Gallagher is considered in violation of his period of supervised release in the Eastern District of Washington by failing to make monthly payments toward restitution.

The defendant's failure to make child support payments began in September 2000. The Child Support Enforcement Office in Sioux Falls, South Dakota, imposed a monthly payment of \$189 for the defendant's daughter.

On December 18, 2002, a judgement was imposed by the Minnehaha County Circuit Court in Sioux Falls, SD, after the defendant had failed to pay \$8,710.90 in back child support. The defendant was also ordered to make monthly child support payments in the amount of \$225, which would begin on January 1, 2003, for his daughter and son. The defendant made his ordered child support payments from May 2002, through December 2003. The defendant then stopped making his child support payments and the amount of back child support grew to \$23,837.76.

On February 14, 2007, an Indictment was filed in U.S. District Court, Sioux Falls, SD, charging the defendant with failing to pay legal child support. The defendant was released on a \$10,000 appearance bond.

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On July 9, 2007, the defendant failed to appear for a scheduled pretrial conference hearing, and a bench warrant was issued. The defendant was later arrested on October 22, 2007, in the Eastern District of Washington, and returned to the District of South Dakota. The defendant subsequently plead guilty and was sanctioned to 5 years probation on March 17, 2008. As a condition of his probation, the defendant completed 6 months at Glory House, which was a residential re-entry center in South Dakota.

Since being released from custody on September 17, 2008, the defendant has paid a total of \$309.98 toward his restitution. His current outstanding balance is \$22,169.08.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 07/28/2011

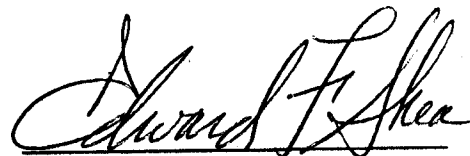
s/David L. McCary

David L. McCary  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

July 29 2011  
Date